

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO CHIMUKU,

Petitioner,

v.

NEIL CLARK,

Respondent.

CASE NO. C06-1561-MJP-MJB


REPORT AND
RECOMMENDATION

On October 30, 2006, petitioner Antonio Chimuku, proceeding pro se, filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and Customs Enforcement (“ICE”) at the Northwest Detention Center in Tacoma, Washington. (Dkt. #4). On December 4, 2006, respondent filed a Return Memorandum and Motion to Dismiss and submitted documents indicating that petitioner was released from ICE custody pursuant to an Order of Supervision on November 7, 2006. (Dkts. #9 and #10). Respondent asserts that because petitioner is no longer in ICE custody, petitioner’s habeas petition should be dismissed as moot. Petitioner did not respond to respondent’s motion to dismiss.

REPORT AND RECOMMENDATION
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1 Because petitioner is no longer in ICE custody, the Court finds that petitioner's habeas
2 petition should be dismissed as moot. *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir.
3 1992)(holding that the District Court properly dismissed plaintiff's claims that had become either
4 moot or unripe). Accordingly, I recommend that respondent's motion to dismiss be granted
5 (Dkt. #9), and that this action be dismissed without prejudice. A proposed Order accompanies
6 this Report and Recommendation.

7 DATED this 9th day of January, 2007.

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9 MONICA J. BENTON
10 United States Magistrate Judge
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